

In light of the current public health crisis and the Federal, State and County Emergency Declarations, and in accord with the provisions of Sec. 610.020, RSMo., the Board of Aldermen recognizes that it would be dangerous and impractical, if not impossible, for its meeting to be physically accessible to the public. The Board also recognizes the need for the public's business to be attended to in order to protect the public health, safety and welfare. In order to balance both the need for continuity of government and protection of the health and safety of our residents, business persons and employees, this meeting of the Board of Aldermen will not be open to public attendance in person. The meeting will be accessible by the public in real time ONLY by following the instructions in the box below.

You are invited to a Zoom webinar.

When: October 26, 2021; 6:00 p.m. Discussion Session; 7:00 p.m. Regular Meeting

Topic: 10/26/2021 Board of Aldermen Meeting.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join <https://us02web.zoom.us/j/82415734301>

Or One tap mobile:

+13126266799,,82415734301# US (Chicago)

+19292056099,,82415734301# US (New York)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 824 1573 4301

International numbers available: <https://us02web.zoom.us/j/82415734301>

Persons interested in making their views known on any matter on the agenda should send an email with their comments to the City Clerk at jfrazier@claytonmo.gov. All comments received will be distributed to the entire Board before the meeting.

Thank you for your understanding and patience as we all try to get through these difficult and dangerous times.

CITY OF CLAYTON BOARD OF ALDERMEN
DISCUSSION SESSION – 6:00 P.M.
TUESDAY, OCTOBER 26, 2021
VIRTUAL ZOOM MEETING
CLAYTON, MO 63105

1. Discussion on parklets and tents.
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CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, OCTOBER 12, 2021
VIRTUAL ZOOM MEETING
CLAYTON, MO 63105
7:00 P.M.

ROLL CALL

MINUTES – October 12, 2021

PUBLIC REQUESTS & PETITIONS

PUBLIC HEARING

1. Ordinance – To approve a Subdivision Plat (lot Consolidation) and easements for 9 N. Bemiston Avenue. (Bill No. 6865)

CITY MANAGER REPORT

1. Motion – To approve a liquor license for Clayton Operations d/b/a Clarendale Clayton located at 7651 Clayton Road.
2. Ordinance – To consider an amendment to Table III-I of the Parking Regulations in Title III of the City Code. (Bill No. 6866)
3. Ordinance – To consider appointing and reappointing board members for the 25 N. Central Avenue Community Improvement District (CID). (Bill No. 6867)
4. Ordinance – To consider an amendment to Chapter 600 – Alcoholic Beverages. (Bill No. 6868)

EXECUTIVE SESSION

1. Personnel (Pursuant to RSMo 610.021(3)).

ADJOURNMENT

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

Dining Tents & Parklets

BOARD OF ALDERMEN

DISCUSSION

TUESDAY, OCTOBER 26, 2021

Topics

- Background on Emergency Ordinance Tent Regulations
- Current Parklet Policy & Emergency Ordinance Tent Regulations
- Zoning Regulations & Tents
- Decision Points
 - Should tents be permitted this winter?
 - Should we develop permanent tent regulations?
 - Modify parklet policy to extend season?

Emergency Ordinance Tent Regulations

- Approved tents were allowed October 15, 2020 – March 15, 2021
- Applications reviewed by Building Official and Fire Marshal
- Maximum size was 1,600 square feet
- Neutral colors only without advertising
- Insurance required
- Tents subject to inspection
- Tents in right of way required right of way permit and outdoor dining permit

Tents



Tent Decision Points

- Should a permanent tent ordinance for dining be developed?
 - Length of time – Seasonal start date & end date?
 - Location considerations – Citywide? Private property only?
 - Aesthetic considerations
 - ARB approval for tents?
 - Conditional use permit required?

Parklet Policy

- Approved June 26, 2018 - Ord. #6542
- Allowed on streets with speed limit of 25 mph or less with the possibility of other locations on a case-by-case basis and vehicle/pedestrian interaction mitigation
- Parklets allowed April 1 – October 1
- Requirements
 - ARB approval
 - Insurance
 - Parking meter, outdoor dining and ROW permits
- One installation to date – Sasha's

Parklets



Emergency Ordinance Parklet Regulations

- City provided traffic barricades from July 1, 2020 to October 1, 2021
- Utilized two on-street parking spaces
- Areas excluded from program: S. Brentwood Ave., Clayton Rd., and Hanley Rd.
- Outdoor dining permit required
- Insurance required

Parklet Decision Points

- Should parklet ordinance be amended?
 - Extend season?
 - Any aesthetic concerns or considerations?
 - Should City-owned barricades be utilized?



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
DATE: OCTOBER 13, 2020
SUBJECT: DISCUSSION RELATIVE TO TENTS FOR BUSINESSES

The St. Louis County Department of Health recently increased the occupancy limit for businesses and restaurants from 25% to 50%. While this will benefit our local business owners, there is still concern about the upcoming cold weather and the loss of outdoor dining. Outdoor dining has largely become the preferred dining method for many of our restaurants and their patrons. In order to continue outdoor dining into the fall and winter, restaurants are inquiring about heated tent spaces.

Tents are not currently permitted by the City's zoning code. While the Emergency Authorization allows the City Manager to implement temporary regulations, we feel it is prudent to discuss the proposed requirements with the Board of Aldermen prior to taking any action. The proposed requirements are as follows:

- Tents shall be permitted for non-residential land uses between October 15, 2020 and March 15, 2021.
- Tents shall not be erected, operated, or maintained for any purpose without first obtaining a permit and approval from the Fire Department and Building Official.
- The maximum area for a tent or membrane structure shall be 1,600 square feet, unless it is located on a college/university campus.
- Fabric portions of tents and canopies must be of a neutral color and may not contain any advertising.
- Business owners wishing to erect a tent within the right-of-way must obtain a Right-of-Way Permit and provide insurance with the City of Clayton named as additional insured.
- Tents placed in the right-of-way shall not obstruct traffic lanes or pedestrian walkways. ADA accessible paths shall be maintained along any sidewalk. In the event of planned or unplanned construction or utility system maintenance, the applicant shall be responsible for relocating the tent to allow for such work to be complete. Applicant shall be responsible for cleaning the area within the tent. Tents shall not connect or attach to city infrastructure (sign poles, light poles, benches, parking meters etc...) in the right of way and shall not impact the use of such items. A tent placed within or partially within the roadway shall not occupy more than two (2) on-street parking spaces.

- Applicants seeking to place a tent in the right-of-way must have an approved Outdoor Dining Permit.
- A detailed site and floor plan for tents or membrane structures shall be provided with each application for approval. The tent or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment.
- The applicant must provide details which clearly illustrate how the structure will be fastened to resist uplift (wind) loads.
- The applicant must certify that the tent structure has been designed and constructed to sustain dead loads; loads due to tension or inflation; live loads including wind, snow or flood and seismic loads.
- Tents and membrane structures shall comply with all requirements of the International Fire Code and International Building Code as adopted by the City of Clayton.
- All tents shall be initially inspected for compliance by the Fire Department and Planning and Development Services Department.
- All tents installed for a period longer than thirty (30) days shall be inspected at regular intervals, but not less than two times per permit use period, by the permittee, owner or agent to determine that the installation is maintained in accordance with these regulations. Inspection reports shall be kept on file by the permittee and shall consist of maintenance, anchors and fabric inspections. Inspection reports must be provided to the Fire Department or Building Official upon request.
- Requirements for liquid petroleum heating devices used in conjunction with tent structures are as follows:
 - Portable gas-fired heating appliances must be listed for use.
 - Outdoor gas-fired heating appliances shall comply with the listed distance requirements from any combustibles.
 - Heating devices must be located at least five (5) feet from any exit or exit discharge.
 - The heating element or combustion chamber of portable outdoor gas-fired heating appliances shall be permanently guarded to prevent accidental contact by persons or material.
 - LP tanks must be secured to prevent accidental force knocking the supply over.
 - A 2A 10BC (minimum size) fire extinguisher must be located within one hundred (100) feet of the heating device at all times.
 - No more than fifteen (15) – 20-pound tanks shall be stored together onsite.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN
FROM: CRAIG OWENS, CITY MANAGER
GARY CARTER, DIRECTOR OF ECONOMIC DEVELOPMENT
DATE: JUNE 26, 2018
SUBJECT: ORDINANCE - ADOPTING A PARKLET POLICY

Parklets are modular public spaces that typically occupy two parking spaces. First developed in San Francisco by the design company ReBar and now managed by that city's Pavement to Parks program, this reclamation of vehicular space has spread across the country. Each parklet is designed to meet the needs of adjacent businesses and expand the public realm for pedestrians with enhanced green space, additional seating, and other amenities while still allowing access to storm drains.

In February 2014, the City built upon the 2010 Downtown Master Plan by adopting the Central Avenue Activation Plan. Included in this plan was the recommendation that Clayton promote the use of parklets to enhance the pedestrian experience.

The City commissioned the design and construction of a parklet in the summer of 2014. The parklet's construction was complete in early 2015. The parklet was debuted on North Central Avenue in front of Barcelona in the spring of 2015. Since then the parklet has been located in front of Remy's Wine Bar on North Bemiston Avenue, Avenue Restaurant on North Meramec Avenue, Seedz Café on South Rosebury Avenue and most recently on Demun Avenue in front of Sasha's.

The City's parklet was commissioned in hopes of spurring additional parklets through private investment. A local business owner has approached City staff with the desire to implement a parklet near his establishment. The attached policy sets forth a proposed review and approval process. The process maintains the City original intent that parklets be open to the public and smoke free.

STAFF RECOMMENDATION: To approve the ordinance.

BILL NO. 6676

ORDINANCE NO. 6542

AN ORDINANCE ADOPTING A POLICY FOR THE CONSIDERATION AND APPROVAL OF PARKLETS

WHEREAS, the City adopted the Downtown Master Plan on November 23, 2010; and

WHEREAS, Sasaki Associates was engaged by the City to develop strategies to effectuate the Master Plan and further its goals throughout the City and Sasaki, in consultation with community stakeholders, thereafter created the Central Avenue Activation Plan; and

WHEREAS, part of the Master Plan vision was creation of an environment to enhance the pedestrian experience in commercial areas, and as part of the Activation strategy the City created its own parklet in 2015 as a pilot program to further the Downtown Master Plan; and

WHEREAS, the City installed its parklet originally on Central Avenue and thereafter in several commercial areas of the City and the program has been well received by business and residents; and

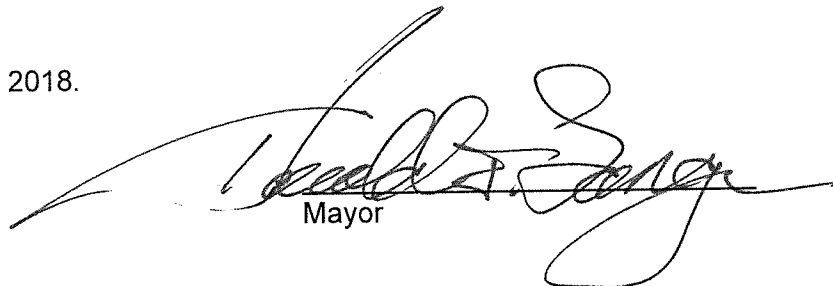
WHEREAS, the City wishes to encourage private parties to expand the program and promote walkability and the pedestrian environment by installing their own parklets at appropriate locations throughout the City's commercial districts and has developed the attached policy to facilitate these private undertakings while assuring they are safe, appropriately located and in keeping with the City's goals and standards;

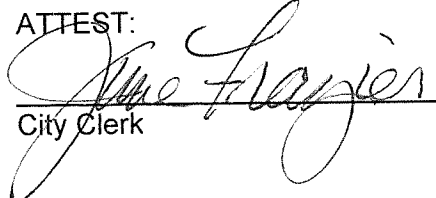
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI AS FOLLOWS:

Section 1. The Parklet Program attached hereto as Exhibit A and incorporated herein by this reference, is hereby adopted on behalf of the City of Clayton and shall govern the review and approval of parklets proposed for installation by private parties in commercial areas of the City.

Section 2. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed this 26th day of June 2018.


Mayor

ATTEST:

City Clerk



Parklet Program

Department of Economic Development

PURPOSE

This policy establishes guidelines for parklets within the city of Clayton public rights-of-way and provides a formal mechanism for businesses and organizations to develop parklets that enhance pedestrian use of streets.

DEFINITION

Parklets are public seating platforms that convert curbside parking spaces into vibrant community spaces.

BACKGROUND

A parklet is made by covering one or more curbside parallel parking spaces with a platform with an attractive seating area. Parklets provide green/open spaces on the city streets to create seasonal pedestrian spaces that improve the quality of life in Clayton business districts. Parklet designs must be accessible and inclusive; inviting pedestrians, bicyclists, and shoppers to linger, relax, and socialize. Each parklet may have a distinct, site specific design that reflects the neighborhood's unique character.

APPROPRIATE LOCATIONS AND DESIGN PARAMETERS

Parklets are urban amenities appropriate for narrow streets with slower speed limits and an active pedestrian environment. The following factors need to be considered while planning to submit an application for a parklet:

- Shall generally be located in an area that demonstrates a high-level of pedestrian activity and/or where narrow and congested sidewalks prevent installation of traditional sidewalk cafes.
- Shall be permitted on streets with a posted speed limit of 25 mph or less and slopes below 5 percent. Other locations will be considered on a case-by-case basis. Additional safety measures may be required on streets that exceed a 25 mph speed limit.
- May be located near a range of business types and need not be limited to dining or other food related establishments. Applicant business must have doors and windows facing the parklet location.
- Must not be closer than the required minimum distances from various public facilities/ vertical utilities in the right-of-way such as: 5 feet minimum clearance from vertical utilities, loading zones, driveways, ramps, or accessible parking spaces; 60 feet minimum to any bus stop or shelter; and 15 feet minimum from any fire hydrants or manholes.

Design

- Parklet platform and railings shall be designed for the gathering of persons. Platform shall be limited to a maximum 7 feet of width with mandatory 3-foot railings and no permanent roof structure. Parklet shall not inhibit the adequate drainage of storm-water runoff.
- Parklet floor must be flush with the curb to create a safe extension of the sidewalk.
- Parklet platform must be level using the substructure to account for the curvature of the street, design must allow for easy access underneath the platform, and curbside drainage may not be impeded.
- Safety barriers, in the form of properly maintained planter boxes, must be installed adjacent to each side of the parklet to protect the parklet and its occupants from cars using adjacent parking spaces. The barriers shall not intrude into adjoining parking spaces. The design and location of the barriers/planters must be approved by the Public Works Department. Plantings shall be maintained in a healthy condition at all times. Other safety measures may be required depending on the parklet location.
- Parklets must include some vertical elements (planters, posts, anchored removable umbrellas, etc.) to be visible to passing vehicles; however, these must not obstruct driver views.
- If parklet seating is fixed, 20% of the seating must be accessible
- Parklets should be finished with high quality, durable materials that can withstand the elements.
- A minimum of one “Public Parklet” and “No Smoking” sign must be installed on the structure for optimum visibility

PARKLET USE AND ACCESS

Parklets can be used for serving food and beverages; but must also be available to the public. Parklets must comply with outdoor dining requirements and permits in addition to right of way permits. Access to the parklet shall be maintained during the business hours of the sponsoring adjacent business.

APPLICATION PROCESS:

Following is the sequence of steps for parklet approval and installation:

- A. Identify location for proposed parklet
- B. Submit parklet information to city staff to determine if the location is appropriate for a parklet. Information must include a dimensioned drawing of proposed parklet showing entire block of street and including intersections and any utilities,

- driveways, loading zones, ramps, fire hydrants, bus stops, and manholes.
- C. The information will be reviewed by staff from Planning & Development, Public Works, and Economic Development departments.
 - D. Once the location has been reviewed by City staff, submit an Architectural Review Board application and Outdoor Dining Permit application to the Planning & Development Department and a right-of-way permit application to the Public Works Department. In addition to the application the applicant should provide a petition with signatures of: (a) the owners of the property occupied by the applicant (if different from applicant) and (b) the owners of each immediately adjacent property, and (c) the owners of 51% of the frontage (other than that occupied by the applicant) on the same side of the street between the two nearest intersecting streets or public alleys in support of the parklet.
 - E. City will review parklet plan and supporting documents and issue permit if approved
 - F. Obtain permits and pay applicable fees (includes cash bond for emergency removal of parklet, right-of- way fee, parking meter rental fee, and any additional fees for right-of-way work required to accommodate parklet) Fees may be waived by the City Manager on a case by case basis if the City manager determines the proposed parklet offers primarily a public, rather than private, benefit.
 - G. Construct parklet in accordance with approved plans and in coordination with Public Works Department for traffic management and hooding of parking meters.
 - H. Obtain inspection approval and certificate of completion prior to opening parklet to the public

PERMIT REQUIREMENTS AND TERMINATION

The permit holder must provide satisfactory proof insurance which shall at a minimum:

- A. Be submitted as part of the Parklet Application Package.
- B. Maintained in full force at all times the permit is in force and updated on an annual basis to the City. A permit holder's failure to supply current insurance documentation shall result in the permit being revoked.
- C. Minimum coverage: \$2,000,000.
- D. The City of Clayton must be named as an additional insured on applicant's insurance policy.
- E. The permit holder will also be required to indemnify and hold harmless the City of Clayton.

All permits must be used only in accordance with the purposes and plans as approved by the City. The permit is subject to an annual fee and does not convey exclusive rights to the right-of way. The permit is subject to all laws, ordinances, codes, and other regulations and cannot be issued in violation of the intent of such laws, ordinances, codes, and regulations. The applicant has no recourse against the City for any loss,

costs, expenses, or damages arising out of any of the conditions or provisions of the permit.

All permits are non-transferable. Change of ownership of the sponsoring property or business will require notification to the City and the new property owner will be responsible for entering into a new permit. If a new permit is not issued, the property owner will be responsible for removing the encroachment at their cost.

The City Manager can revoke the permit for violation of any permit condition or the parklet policy and guidelines adopted from time to time or if the City Manager determines the continued presence of the parklet at that location is no longer in the best interest of the City. The permit holder may surrender and cancel the permit at any time.

The parklet shall be removed within 30 days of revocation or surrender of the permit.

PUBLIC OUTREACH/ NEIGHBORHOOD SUPPORT:

Applicant is required to obtain support from adjacent property owners. Applicant must circulate a petition and obtain signatures of support from (a) the owners of the property occupied by the applicant (if different from applicant) and (b) the owners of each immediately adjacent property, and (c) the owners of 51% of the frontage (other than that occupied by the applicant) on the same side of the street between the two nearest intersecting streets or public alleys.

PARKLET FEE SCHEDULE:

<u>Description</u>	<u>Fee</u>
Initial Fees	
Initial location review	Free
Architectural Review Board Application	\$85
Right-of-way Permit	\$350
Outdoor Dining Fee	\$135
Parking Meter Rental	\$30 per meter/day
Additional Costs (if applicable) *	Actual Cost
Cash Bond for Emergency Removal	\$1000
Ongoing Annual Fees	
Outdoor Dining Permit (renewed annually)	\$135
Parking Meter Rental	\$30/meter/day

*any sign changes, striping, loading zone, landscape, etc. that must be done to accommodate parklet

RELOCATION, REMOVAL, AND TERMINATION OF THE AGREEMENT:

The parklet permit may be surrendered by the permit holder or revoked by the City Manager as provided above. The parklet shall be removed by October 1 of each year and shall not be replaced before the following April 1. In the event of an emergency, the permit holder shall, upon request of the City, relocate the parklet, and/or remove the parklet, including any furniture and structures, whether publicly or privately owned. The permit holder will absorb all costs and expenses associated with relocation/removal.

On expiration, surrender or termination of the permit for any reason the permit holder shall be required to remove the parklet, vacate the right-of-way and leave the space in a clean condition, clear of all property and debris, and restore the parklet area to the satisfaction of the City Manager within thirty (30) days. At that time, the permit holder may request a refund of the Emergency Removal Bond referenced in the Fee Schedule, above. If the permit holder fails to relocate and/or remove the parklet and restore the area to its original condition, the City shall have the right to use the permit holder's bond to remove the parklet and restore the area.

MAINTENANCE, MONITORING AND ENFORCEMENT:

The parklet must be well maintained, clean, and kept in good at all times. City staff will monitor and enforce proper maintenance and appropriate use of parklets. The permit holder will be advised if a parklet is found to be out of compliance. Misuse of the parklet, safety violations, and/or lack of maintenance will be grounds for the City Manager to revoke the permit and require removal of the parklet.

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
October 12, 2021
7:10 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Rich Lintz, Ira Berkowitz, Bridget McAndrew, Susan Buse, Becky Patel, and Gary Feder.

Mayor Harris
City Manager Gipson
City Attorney O'Keefe

Motion made by Alderman McAndrew to approve the September 28, 2021 minutes. Alderman Berkowitz seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

PROCLAMATION

Mayor Harris presented a proclamation in recognition of *Filipino American Heritage Month*.

Janna Langholz, Caretaker of the Philippine Village Historical Site, was present (virtually) and expressed her thanks for the City in its recognition and honoring of the site through a proclamation.

AN ORDINANCE TO CONSIDER APPROVING THE SALE OF SPECIAL OBLIGATION REFUNDING BONDS – SERIES 2021 – 2nd READING

City Manager Gipson reported that the proposed ordinance provides for issuing bonds for the purpose of refunding the 2011 outstanding Special Obligation bond issue so the City can achieve approximately \$525,000 in savings over the lifetime of the bonds. The total estimated amount of bonds to be issued is approximately \$4,915,000. That amount with the bond premium

will generate the amount necessary to refund the current bonds. The maturity date on the bonds is currently December 1, 2031 (fiscal year 2032) and that date will remain. The City's current bond rating for Special Obligation bonds has reconfirmed at AA+ (AAA when issuing general obligation bonds). This credit rating allows the lowest interest costs for the lifetime of the bonds.

The competitive bond sale occurred today at 10:00 a.m. and was very successful. The City received bids from 12 bidders, with several bids being quite close in amount. The bids are evaluated based on the lowest True Interest Cost (TIC) which provides the City with the lowest cost of total debt service. The final sale amount was \$5,010,000 which provided the City \$575,000 in savings over the remaining life of the bonds, which is greater than expected. The successful bidder was Fifth Third Securities, Inc.

The proposed ordinance and exhibits have been updated to reflect the results of the sale. The ordinance will require an amendment for these changes prior to a final vote to approve the sale of the bonds.

Recommendation is to amend the proposed Bill No. 6864.1 and to hold a second and final reading of an ordinance authorizing the sale, issuance and delivery of Special Obligation Refunding bonds in the amount of \$5,010,000.

Todd Goffoy, Piper Sandler, and Mark Grimm, Piper Jaffray, were in attendance (virtually) to answer questions.

Motion made by Alderman Lintz to approve the amendment of Bill No. 6864 to Bill No. 6864.1 to reflect the changes. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6864.1, to approve an ordinance authorizing the sale, issuance, and delivery of Special Obligation Refunding Bonds Series 2021 to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6864 as amended by Bill No. 6864.1, second reading, an Ordinance authorizing the sale, issuance, and delivery of Special Obligation Refunding Bonds Series 2021 by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6723 of the City of Clayton.

A RESOLUTION TO CONSIDER ADOPTING BOARD OF ALDERMEN NORMS AND PROCEDURES

City Manager Gipson reported that the Board of Aldermen adopted a set of norms and procedures on November 27, 2007. The document outlined general standards, values, procedures for meetings and communications, and defined the mayor's role.

The current Board of Aldermen discussed and suggested revisions to the previously adopted norms and procedures at the Retreat held on September 22, 2021.

Concerns were raised by the Board on the purpose of formalizing the document and suggestions were made to continue to review the norms and procedures before the Board would approve.

Motion made by Alderman Patel to table Resolution No. 2021-19. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

A MOTION TO CONSIDER APPROVING THE DISPOSAL OF RECORDS PER THE MISSOURI SECRETARY OF STATE GENERAL RECORDS RETENTION SCHEDULE

City Manager Gipson reported that it is the recommended guideline of the Secretary of State to formally approve the disposition of records at the Board of Alderman level, and to include a list which describes the record series including quantity to be disposed, the manner of destruction and destruction date.

The list of records staff is proposing to dispose is the Prosecutor Attorney Files (closed) - 2019 Traffic, 2017 Municipal, and Police Reports – 2004 through 2009.

Question was raised with concerns in the destruction of the 2017 and 2019 municipal records in terms of the “age” of the records and also as it relates to gathering future data from those years.

It was noted that the records are prosecuting attorney files which are separate from the court and that the records have been confirmed by the City Clerk as eligible for destruction.

Motion made by Alderman Lintz to approve the disposal of the records as listed in the Board report. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A MOTION TO CONSIDER APPROVING THE 2022 BOARD OF ALDERMEN MEETING SCHEDULE

City Manager Gipson reported that the 2022 Board of Aldermen meeting schedule is presented for approval prior to posting. The following calendar dates are scheduled:

January 11, 2022	July 12, 2022
January 21, 2022 (Strategic Planning Session)	July 15, 2022 (Strategic Planning Session)
January 25, 2022	July 26, 2022
February 8, 2022	August 9, 2022
February 18, 2022 (Strategic Planning Session)	August 19, 2022 (Strategic Planning Session)
February 22, 2022	August 23, 2022
March 8, 2022	September 13, 2022
March 18, 2022 (Strategic Planning Session)	September 16, 2022 (Strategic Planning Session)
March 22, 2022	September 27, 2022
April 12, 2022	October 11, 2022

April 15, 2022 (Strategic Planning Session)
April 26, 2022

October 21, 2022 (Strategic Planning Session)
October 25, 2022

May 10, 2022
May 20, 2022 (Strategic Planning Session)
May 24, 2022

November 8, 2022
November 18, 2022 (Strategic Planning Session)
November 22, 2022

June 14, 2022
June 17, 2022 (Strategic Planning Session)
June 28, 2022

December 13, 2022
December 16, 2022 (Strategic Planning Session)
December 27, 2022.

Concerns were raised regarding the March meeting dates (8th & 22nd) which conflict with a meeting date for the Plan Commission and the School District of Clayton spring break week. Recommendation was to change the dates of the 8th & 22nd to the 15th and 29th.

Motion made by Alderman Lintz to approve the 2022 Board of Aldermen Meeting Schedule, revising the March 2022 dates to the 15th and the 29th (in place of the 8th and 22nd). Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Berkowitz reported on the following:

- Plan Commission/ARB
- Farewell to Janet Watson

Alderman McAndrew reported on the following:

- Parks & Recreation commission – met in person outside at Shaw Park; Justin Whipple, Parks Supervisor provided a presentation on the Parks Operations Manual
- Farewell to Janet Watson

Alderman Buse expressed thanks and farewell to Janet Watson.

Alderman Patel expressed her thanks for the guests attending on behalf of the proclamation for Filipino American Heritage month.

Alderman Feder reported on the following:

- As part of the aldermanic onboarding, he met with Chief Smith and was provided a tour of the police building
- Farewell to Janet Watson

Mayor Harris reported on the following:

- Master of Ceremony for the Porsche Club Car Show event which is held biannually in Clayton; she noted that she mentioned former Alderman Dan Sokol, who was an avid Porsche follower
- Attended the Hi Pointe Neighborhood Association's annual block party
- Meeting monthly with Municipal League leaders and Mayor Jones
- Farewell to Janet Watson.

There being no further business the meeting adjourned at 7:50 p.m.

Mayor

ATTEST:

City Clerk

DRAFT



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN

FROM: DAVID GIPSON, CITY MANAGER
SUSAN M. ISTENES, AICP, DIRECTOR, PLANNING & DEV. SERVICES

DATE: OCTOBER 26, 2021

SUBJECT: PUBLIC HEARING & AN ORDINANCE A SUBDIVISION PLAT (LOT CONSOLIDATION) **AND RELATED EASEMENTS FOR 9 NORTH BEMISTON AVENUE**

This is a public hearing and subsequent ordinance to consider approving a subdivision plat and related air rights and sidewalk easements for the consolidation of portions of Lots 9, 10, 11 & 12 of Block 11 of the City of Clayton to create one lot. The proposed lot has a zoning designation of PUD, Planned Unit Development District.

The subject property is located west of Bemiston Avenue, south of Maryland Avenue, and east of Central Avenue in the north half block, bounded by an east/west alley to the south. The site is currently made up of multiple properties located at 26, 30, 32, and 38 North Central, 7800 and 7820 Maryland Avenue, and 9 and 19 Bemiston Place. The property is zoned PUD.

The proposed plat will consolidate the existing lots into one lot to allow for the development of the mixed-use residential apartment building with street level commercial space and an internal parking structure. Development and design of the mixed-use structure were previously approved in December of 2020. The consolidated lot will measure 66,787 square feet. The plat and easement documents provide for easements listed below:

1. 4 foot dedication of land along the southern border of the proposed lot to allow the widening of the existing alley to 24 feet with a reservation of air rights above the alley to allow for balconies attached to the building.
2. Aerial rights easement along the western boundary of the proposed lot to allow the installation of canopies.
3. 6 foot public access/pedestrian ground plane easement along the northern boundary of the proposed lot.

The Plan Commission considered this request at its September 20, 2021 meeting and unanimously recommended approval with the following conditions:

1. That the applicant provides a mylar for the appropriate City of Clayton signatures per the Subdivision Ordinance requirements after Board of Aldermen approval.

2. That the applicant files the plat with the St. Louis County Recorder of Deeds office and submit proof of filing to the City within 30 days of Board of Aldermen approval.

The newly created lot meets all zoning requirements for the PUD Planned Unit Development District.

STAFF RECOMMENDATION: To approve with conditions set forth in the ordinance for adoption.

AN ORDINANCE PROVIDING FOR THE APPROVAL OF A PLAT TO CONSOLIDATE CERTAIN PROPERTY LOCATED ON CENTRAL AVENUE, MARYLAND AVENUE, AND BEMISTON AVENUE IN THE CITY OF CLAYTON, MISSOURI AND APPROVING EASEMENTS RELATED THERETO

WHEREAS, there presently exists in the City of Clayton several lots addressed 26, 30, 32, and 38 North Central, 7800 and 7820 Maryland Avenue, and 9 and 19 Bemiston Place, more particularly described as follows:

PARTS OF LOTS 9, 10, 11, AND 12 OF BLOCK 4 OF THE CITY OF CLAYTON, AS RECORDED IN PLAT BOOK 1, PAGE 7, LOCATED IN US SURVEY 1918, TOWNSHIP 45 NORTH, RANGE 6 EAST.

WHEREAS, the owner of said property desires to consolidate said lots into one lot, in accordance with the City of Clayton Subdivision Ordinance, and has submitted the plat of said property to the Board of Aldermen of the City of Clayton for approval, which plat is attached hereto, marked "Exhibit A", and made part of this Ordinance; and

WHEREAS, the owner and the City also wish to provide certain easements regarding pedestrian passage and air rights all as shown on Exhibit B attached hereto and made a part of this Ordinance; and

WHEREAS, the City Plan Commission has considered the plat and recommended approval.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1. The consolidation of the above described property, addressed 9 North Bemiston Avenue, in accordance with the plat attached hereto and marked "Exhibit A" and made part of this ordinance is hereby approved and the plat is authorized to be filed in the office of the Recorder of Deeds.

Section 2. The City Clerk of the City of Clayton is authorized and directed on behalf of the City to sign the original plat of consolidation of the subject property.

Section 3. The easements shown on Exhibit B, attached hereto and incorporated herein by this reference are approved and the city manager is authorized to execute same on behalf of the City and to do all other things necessary or appropriate to effectuate the transaction contemplated therein.

Section 4. The owner (applicant) must submit to the City Clerk proof of filing showing the book and page from the St. Louis County Recorder of Deeds Office within 30 days of the approval of said plat by the Clayton Board of Aldermen.

Section 5. The owner (applicant) must provide a mylar for the appropriate City of Clayton signatures per the Subdivision Ordinance requirements after Board of Aldermen approval.

Section 6. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed this 26th day of October, 2021

Mayor

ATTEST:

City Clerk

(Space above reserved for Recorder of Deeds)

Title of Document: Air Rights Easement and Sidewalk Easement Agreement

Date of Document: Effective as of _____, 2021

Grantor/Grantee: THE CITY OF CLAYTON, MISSOURI, a Missouri municipal corporation

Grantor's/Grantee's Address: 10 N. Bemiston Ave.
Clayton, Missouri 63105

Grantee/Grantor: BEMISTON PLACE LLC, a Missouri limited liability company

Grantee's/Grantor's Address: 13075 Manchester Road, Suite 250
St. Louis, Missouri 63131
Attn: Steve Brown

Property Addresses: 26, 30, 32, 38, N. Central Avenue, 7800, 7820 Maryland Ave, 9 N. Bemiston Ave., St. Louis, Missouri 63105

Legal descriptions: See Exhibit A located on page 6 and see Exhibit C-1 located on page 9

This cover page is attached solely for the purpose of complying with the requirements stated in §§ 59.310.2; 59.313.2 RSMo 2001 of the Missouri Recording Act. The information provided on this cover page shall not be construed as either modifying or supplementing the substantive provisions of the attached document. In the event of a conflict between the provisions of the attached document and the provisions of this cover page, the attached document shall prevail and control.

After recording, please return document by mail to:
Realty Law Partners, PC
231 S. Bemiston, Suite 710
St. Louis, Missouri 63105
Attn: Diane M. Mispagel, Esq.

THIS AIR RIGHTS EASEMENT AND SIDEWALK EASEMENT AGREEMENT (this "**Agreement**") is entered into effective as of this ____ day of _____, 2021 (the "**Effective Date**"), by and between by and between THE CITY OF CLAYTON, MISSOURI, a Missouri municipal corporation ("**Clayton**"), and BEMISTON PLACE LLC, a Missouri limited liability company ("**Bemiston**").

RECITALS

A. WHEREAS, Bemiston owns that certain parcel of real property located in the City of Clayton, Missouri, legally described on **Exhibit A** attached hereto (the "**Property**"); and

B. WHEREAS, Bemiston desires to grant to Clayton for use by the public a perpetual surface easement over and across that portion of the Property legally described on **Exhibit B** (the "**Pedestrian Easement Area**") on the terms and conditions set forth hereinbelow; and

C. WHEREAS, Clayton is the owner of that certain property (including the airspace above such property) that is improved with a public street commonly known as N. Central Avenue as well as a sidewalk adjacent thereto (which sidewalk is also adjacent to the Property), all located in the City of Clayton, State of Missouri (collectively, the "**City Property**"); and

D. WHEREAS, Clayton desires to grant to Bemiston, for the benefit of the Property, a perpetual, exclusive easement in and to certain air space of the City Property as more particularly described on **Exhibit C** and depicted on **Exhibit C-1** attached hereto and incorporated herein (the "**Air Rights Easement Parcel**") on the terms and conditions set forth hereinbelow.

NOW THEREFORE, for One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

1. **Sidewalk Easement.** Bemiston hereby grants to Clayton and to Clayton's successors and assigns a perpetual, non-exclusive, ground plane easement over and across the surface of the Pedestrian Easement Area for use by the public as a public sidewalk, and for the use by Clayton (but not the public) as reasonably necessary for installation, maintenance, repair, and replacement of a sidewalk in the Pedestrian Easement Area. The Pedestrian Easement Area shall not be closed, blocked, or otherwise obstructed except as may be temporarily required for the construction, maintenance, repair, or replacement of the sidewalk situated thereon. Clayton agrees to maintain repair and replace the sidewalk that will be located on the Pedestrian Easement Area in good condition and repair in the same manner as Clayton maintains, repairs and replaces other Clayton sidewalks. Notwithstanding the foregoing, Bemiston also may, but shall not be obligated to, maintain, repair and/or replace such sidewalk as reasonably determined by Bemiston, subject to any requirements as reasonably determined by Clayton.

2. **Air Rights Easement.** Clayton hereby grants to Bemiston, for the benefit of the Property, and to Bemiston's successors and assigns in ownership of the Property, a perpetual, exclusive easement (the "**Air Rights Easement**") in and to the Air Rights Easement Parcel, for the purpose of constructing, occupying, operating, maintaining, altering, demolishing, and replacing improvements and structures within such air space, including, but not limited to, canopies, awnings, signs, doors, overhead doors, folding garage doors, and similar building fixtures and/or architectural projections within such air space by Bemiston, its lessees and any other person or

entity which may hereafter be vested with rights through or under it or them. Regardless of the grade of N. Central Avenue and/or the adjacent sidewalk from time to time, the Air Rights Easement Parcel shall not change. Such Air Rights Easement shall run with the land in perpetuity and shall burden the Air Rights Easement Parcel to the benefit of the Property, Bemiston, and Bemiston's successors and assigns in ownership of the Property, provided, however, that this Air Rights Easement shall automatically terminate if the improvements located in the Air Rights Easement by Bemiston or its successors and assigns shall cease to be located therein, and are not restored, rebuilt, or replaced after such cessation for a period of two (2) years.

3. Miscellaneous.

a. This Agreement shall be governed by and construed in accordance with the laws of the State of Missouri.

b. This Agreement is intended to run with the land in perpetuity to the benefit and burden of the Property, the City Property, the Air Rights Easement Parcel, and the Pedestrian Easement Area, and shall be binding on and also inure to the benefit of each of Bemiston and Clayton and their respective successors and assigns.

c. If any provision of this Agreement shall to any extent be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by applicable law.

d. [Intentionally Omitted]

e. The failure of any party to insist upon strict performance of any of the terms, covenants or conditions hereof shall not be deemed a waiver of any rights or remedies which that party may have hereunder, at law or in equity, and shall not be deemed a waiver of any subsequent breach or default in any of such terms, covenants or conditions. No waiver by any party of any default under this Agreement shall be effective or binding on such party unless made in writing by such party and no such waiver shall be implied from any omission by a party to take action in respect to such default. No express written waiver of any default shall affect any other default or cover any other period of time other than any default and/or period of time specified in such express waiver. One (1) or more written waivers of any default under any provision of this Agreement shall not be deemed to be a waiver of any subsequent default in the performance of the same provision or any other term or provision contained in this Agreement.

f. Except as specifically set forth in Section 1 above, nothing herein contained shall be deemed to be a gift or dedication of any portion of the Property to the general public, or for any public use or purpose whatsoever. No right, privileges or immunities of any party hereto shall inure to the benefit of any third party, nor shall any third party be deemed to be a beneficiary of any of the provisions contained herein.

[Signatures contained on following page.]

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date first above written.

BEMISTON PLACE, LLC
a Missouri limited liability company

By: _____
Steven A. Brown, Manager

State of Missouri)
) ss
_____ of St. Louis)

On this ____ day of _____, 2021, before me personally appeared Steven A. Brown, to me known and who, being by me duly sworn, did say that he is the Manager of Bemiston Place LLC, a Missouri limited liability company, and that he executed the foregoing instrument in behalf of said limited liability company with the full authority to do so, and said Steven A. Brown acknowledged said instrument to be the free act and deed of limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Notary Public

My commission expires: _____

*The City of Clayton Signature Page to
Air Rights Easement and Sidewalk Easement Agreement*

THE CITY OF CLAYTON, MISSOURI,
a Missouri municipal corporation

By: _____
Name: _____
Title: _____

STATE OF MISSOURI)
) ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me, a Notary Public in and for the
County and State aforesaid, this day of 2021, by
_____, the duly appointed _____ of THE CITY OF
CLAYTON, MISSOURI, a Missouri municipal corporation, who executed the foregoing instrument in said
capacity and on behalf of said city.

Notary Public

My commission expires: _____

EXHIBIT A
TO
Air Rights Easement and Sidewalk Easement Agreement

The Property

[to be completed with consolidated legal description for Bemiston Place]

**EXHIBIT B
TO
Air Rights Easement and Sidewalk Easement Agreement t**

The Pedestrian Easement Area

A tract of land being the northern 6.00 feet of part of Lot 9 and Lots 10, 11, and 12 of Block 11 of the Town of Clayton, according to the plat thereof as recorded in Plat Book 1, Page 7, being more particularly described as follows:

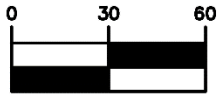
Beginning at a the intersection of the east right-of-way line of North Central Avenue, 80 feet wide and the south right-of-way line of Maryland Avenue, 80 feet wide, said point also being the northwest corner of above said Lot 12; thence along the south right-of-way line of said Maryland Avenue, South 83 degrees 30 minutes 00 seconds East, 280.84 feet; thence departing said right-of-way line, South 06 degrees 30 minutes 00 seconds West, 6.00 feet; thence along a line being 6.00 feet south of and parallel with above said south right-of-way line, North 83 degrees 30 minutes 00 seconds West, 280.83 feet to its intersection with the east right-of-way line of above said N Central Avenue; thence along said right-of-way line, North 06 degrees 28 minutes 11 seconds East, 6.00 feet to the POINT OF BEGINNING.

Containing 1,685.01 square feet or 0.0387 acres, more or less, according to calculations performed by Stock & Associates Consulting Engineers, Inc. during August 2021.

EXHIBIT C
TO
Air Rights Easement and Sidewalk Easement Agreement

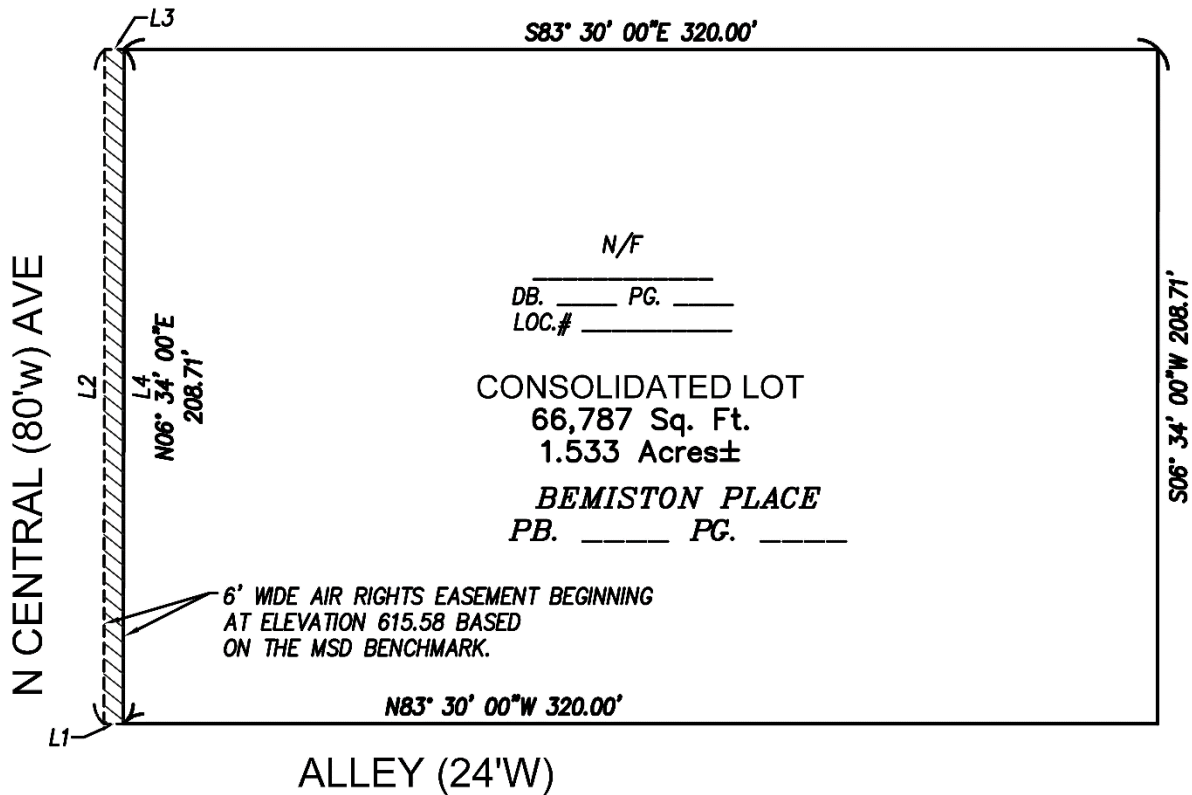
Depiction of the Air Rights Easement Parcel

GRAPHIC SCALE



(IN FEET)

1 inch = 60 ft.



MSD. BENCHMARK

BENCHMARK# 14-111 ELEV.= 624.04 (NGVD29)

"Sq" centered on top of level capstone at south end of west brick guard wall for concrete steps immediately attached to church building at south building entrance to Hanley Road Baptist Church, northwest corner Maryland Avenue and Hanley Road; roughly 45 feet north of the north curb line of Maryland Avenue, and 92 feet west of the centerline of Hanley Road. In September of 2012, this benchmark was recovered underneath a flower pot.

Parcel Line Table

Line #	Length	Direction
L1	6.00	N83° 26' 00"W
L2	208.71	N06° 34' 00"E
L3	6.00	S83° 26' 00"E
L4	208.71	S06° 34' 00"W

EXHIBIT C-1
TO
Air Rights Easement and Sidewalk Easement Agreement

Legal Description of the Air Rights Easement Parcel

The air space commencing in the horizontal plane located at elevation 615.58 in reference to M.S.D. Benchmark #14-111 and continuing throughout the airspace thereabove over the following described tract of land, said tract of land being the eastern 6.00 feet of the North Central Avenue, 80 feet wide between the East West Alley located in Block 11 of the Town of Clayton, according to the plat thereof as recorded in Plat Book 1, Page 7 and Maryland Avenue, 80 feet wide, being more particularly described as follows:

Beginning at a the intersection of the south right-of-way line of above said Maryland Avenue and the east right-of-way line of above said North Central Avenue; thence along said east right-of-way line, South 06 degrees 34 minutes 00 seconds West, 208.71 feet; thence departing said right-of-way line, North 83 degrees 30 minutes 00 seconds West, 6.00 feet; thence along a line being 6.00 feet west of and parallel to the east right-of-way line of said North Central Avenue, North 06 degrees 30 minutes 00 seconds East, 208.71 feet; thence South 83 degrees 30 minutes 00 seconds East, 6.24 feet to the POINT OF BEGINNING.

Said M.S.D. Benchmark #14-111 being further described as: "'Sq' centered on top of level capstone at south end of west brick guard wall for concrete steps immediately attached to church building at south building entrance to Hanley Road Baptist Church, northwest corner Maryland Avenue and Hanley Road; roughly 45 feet north of the north curb line of Maryland Avenue, and 92 feet west of the centerline of Hanley Road. In September of 2012, this benchmark was recovered underneath a flower pot."

TOTAL TRACT DESCRIPTION

A tract of land being Lots 9, 10, 11 & 12 of Block 11 of The Town of Clayton, as recorded in Plat Book 1, Page 7 of the St. Louis County Records Located in U.S. Survey 1918, Township 45 North, Range 6 East of the Fifth Principal Meridian, City of Clayton, St. Louis County, Missouri being more particularly described as follows:

BEGINNING at the northwest corner of above said Block 11, said point also being the intersection of the east right-of-way line of N. Central Avenue 80 feet wide, with the south right-of-way line of Maryland Avenue, 80 feet wide, thence along said south right-of-way line, South 83 degrees 30 minutes 00 seconds East, 320.00 feet to its intersection with the west right-of-way line of N. Bemiston Avenue, 80 feet wide, said point also being the northeast corner of said Block 11; thence along last said right-of-way line, South 06 degrees 34 minutes 00 seconds West, 212.71 feet to its intersection with the north right-of-way line of a 20 feet wide Alley as established by above said Town of Clayton; thence along said north right-of-way line, North 83 degrees 30 minutes 00 seconds West, 320.00 feet to its intersection with the east right-of-way line of aforementioned N. Central Avenue, thence along said right-of-way line, North 06 degrees 34 minutes 00 seconds East, 212.71 feet to the POINT OF BEGINNING. Containing 68,067 square feet or 1.563 acres, more or less, according to calculations performed by Stock & Associates Consulting Engineers, Inc. on February 1, 2019.

PARCEL 1:

Part of Lots 9, 10 and 11 in Block 11 of Town of Clayton, St. Louis County, Missouri, described as:

Beginning at a point in the South line of Maryland Avenue, 80 feet wide, distant 40.72 feet West of the West line of Bemiston Avenue, 80 feet wide, thence Westwardly along the South line of Maryland Avenue, 119.28 feet to the West line of Lot 10; thence Southwardly along the West line of Lot 10, 97.71 feet to a point; thence Westwardly and parallel to the North line of a 20 foot wide alley, a distance of 40 feet; thence Southwardly along a line parallel to and 40 feet distant from the West line of Lot 10, 115 feet to the North line of said 20 foot wide alley; thence Eastwardly along the North line of said alley, 80 feet to a point 40 feet East of the most East of the most Southwest corner of Lot 10; thence Northwardly and parallel to the West line of Lot 10, 60 feet to a point; thence Eastwardly and parallel to the South line of Maryland Avenue 45 feet to a point; thence Northwardly along a line parallel with the West line of Lot 10 a distance of 54 feet to a point; thence Eastwardly 34.46 feet to a point in a line parallel with the West line of Lot 10 and distant 95.21 feet from the South line of Maryland Avenue; thence Northwardly and parallel to the West line of Lot 10, 95.21 feet to the point of beginning.

PARCEL 2:

Part of Lots 11 and 12 in Block 11 of the Town (now City) of Clayton, and described as beginning at a point in the East line of Central Avenue, distant 30 feet North of the Southwest corner of said Lot 12; thence North along the East line of Central Avenue, 35 feet to a point; thence East and parallel with the South line of Henderson (now Maryland) Avenue, 120 feet to a point; thence South and parallel with Central Avenue 65 feet to the North line of an alley 20 feet wide; thence West along said North line 40 feet to a point; thence North and parallel with Central Avenue, 30 feet to a point; thence West 80 feet to the point of beginning.

PARCEL 3:

Part of Lots 11 and 12 in Block 11 of Town of Clayton, a Subdivision in St. Louis County, Missouri, as per plat thereof recorded in Plat Book 1 page 11 now 7 of the St. Louis County Records, and described as follows: Beginning at a point in the East line of Central Avenue, 65 feet North of the Southwest corner of said Lot 12; thence North along said East line of Central Avenue, 50 feet; thence East along the South line of property now or formerly of Arthur J. Kerth, 120 feet to a point; thence South parallel with said East line of Central Avenue, 50 feet to a point; and thence West 120 feet to the beginning.

PARCEL 4:

The North 97 feet 8-1/2 inches of Lot 12 in Block 11 of the Town of Clayton, a subdivision in St. Louis County, Missouri, as per plat thereof recorded in Plat Book 1 page 7 of the St. Louis County Records.

PARCEL 5:

The North 97 feet 8-1/2 inches of Lot 11 in Block 11 of Town of Clayton, a subdivision in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 1 page 11, now 7 of the St. Louis County Records.

PARCEL 6:

Part of Lot 9 in Block 11 of the Town of Clayton in St. Louis County, Missouri, and described as:

Beginning at a point in the South line of Maryland Avenue, distant 40.72 feet West of the West line of Bemiston Avenue, thence East along the South line of Maryland Avenue 40.72 feet to the West line of Bemiston Avenue, thence Southwardly along the West line of Bemiston Avenue, a distance of 152.71 feet to a point, thence Westwardly and parallel to the South line of Maryland Avenue, a distance of 75 feet to a point, thence Northwardly and parallel with the West line of Bemiston Avenue, a distance of 54 feet, thence Eastwardly a distance of 34.46 feet to a point, which is distant 40.72 feet West of the West line of Bemiston Avenue and 95.21 feet South of the South line of Maryland Avenue, thence Northwardly and parallel with Bemiston Avenue 95.21 feet to the place of beginning.

PARCEL 7:

The South 60 feet of Lot 9 and the South 60 feet of the East 1/2 of Lot 10 in Block 11 of the Town (now City) of Clayton, as per plat thereof recorded in Plat Book 1 page 11 (now 7) of the St. Louis County Records.

PARCEL 8:

The South 30 feet of Lot 12 in Block 11 of the Town (now City) of Clayton, according to the plat thereof recorded in Plat Book 1 page 7 of the St. Louis County Records, fronting 30 feet on the East line of Central Avenue, by a depth Eastwardly of 80 feet, bounded South by an alley 20 feet wide.

Dedications and Reservations:

Alley Right-of-Way Dedication

Bemiston Place LLC, a Missouri limited liability company (the "Owner"), the owner of the tracts of land described hereinabove and platted pursuant to this plat of Bemiston Place (the "Property"), hereby dedicates the parcel of land described below and shown on this plat (the "Alley Area") to the City of Clayton for use as an alley right-of-way for pedestrian and vehicular ingress and egress, and for the installation, maintenance, repair, and replacement of underground utilities:

A four (4) foot wide tract of land being part of Lots 9, 10, 11 & 12 of Block 11 of The Town of Clayton, as recorded in Plat Book 1, Page 7 of the St. Louis County Records Located in U.S. Survey 1918, Township 45 North, Range 6 East of the Fifth Principal Meridian, City of Clayton, St. Louis County, Missouri being more particularly described as follows:

Beginning at the southwest corner of above said Block 11 said point also being the intersection of the east right-of-way line of N. Central Avenue 80 feet wide, with the north line of a 20 foot wide alley, thence along said east right-of-way line, North 06 degrees 34 minutes 00 seconds East, 4.00 feet; thence departing said right-of-way line, along a line being 4.00 feet north of and parallel with the north line of said 20 feet wide Alley, South 83 degrees 30 minutes 00 seconds East, 320.0 feet to its intersection with the west right-of-way line of N. Bemiston Avenue, 80 feet wide; thence along said right-of-way line, South 06 degrees 34 minutes 00 seconds West, 4.00 feet to the southeast corner of above said Block 11, said point also being the north right-of-way line of above said Alley; thence along said right-of-way line, North 83 degrees 30 minutes 00 seconds West, 320.00 feet to the Point of Beginning, containing 1,280 square feet or 0.029 acres more or less.

The aforedescribed and dedicated right-of-way shall not be closed, blocked, or otherwise obstructed except as may be temporarily required for the construction, maintenance, repair, or replacement of the alleyway and underground utilities situated therein.

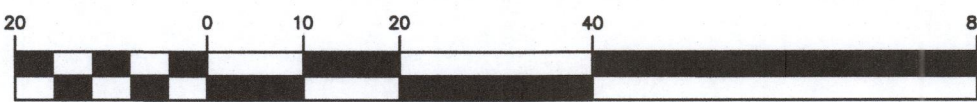
BEMISTON PLACE

TRACTS OF LAND BEING LOTS 9, 10, 11 AND 12 IN BLOCK 11 OF THE TOWN OF CLAYTON PB 1, PG 7
LOCATED IN U.S. SURVEY 1918, TOWNSHIP 45 NORTH, RANGE 6 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CLAYTON, ST. LOUIS COUNTY, MISSOURI
THIS PLAT CONTAINS 1.563 AC±

ABBREVIATIONS

DB - DEED BOOK
FT - FEET
FND - FOUND
N/P - NOW OF FORMERLY
PB - PLAT BOOK
PG - PAGE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
SQ. - SQUARE
(86°W) - RIGHT-OF-WAY WIDTH
TO BE VACATED

GRAPHIC SCALE



(IN FEET)

1 inch = 20 ft.

LEGEND

⊕ BENCH MARK
○ FOUND IRON ROD
○ FOUND IRON PIPE
△ RIGHT OF WAY MARKER
— FOUND CUT CROSS

M.S.D. BENCHMARK

BENCHMARK # 14-111 ELEV. = 624.04 (NGVD29)

"Sq" centered on top of level capstone at south end of west brick guard wall for concrete steps immediately attached to church building at south building entrance to Hanley Road Baptist Church, northwest corner Maryland Avenue and Hanley Road; roughly 45 feet north of the north curb line of Maryland Avenue, and 92 feet west of the centerline of Hanley Road, in September of 2012, this benchmark was recovered underneath a flower pot.

LOCATION MAP

(NOT TO SCALE)

OWNER'S CERTIFICATION

The undersigned owners of the tracts of land platted and further described in the foregoing Surveyor's Certification, have caused the same to be surveyed and subdivided in the manner shown on this Lot Consolidation plat, which shall hereinafter be known as:

"BEMISTON PLACE"

It is hereby certified that all existing easements are shown on this plat as of the time and date of recording of this plat.

Two (2) Permanent monuments for each block are created and semi-permanent monuments at all lot corners will be set, that will aid in later recovery within twelve months after the recording of this subdivision plat, in accordance with 10 CSR 30-2.090 of the Missouri Department of Natural Resources and 4 CSR 30-16.090 of the Missouri Department of Economic Development. In addition, other survey monuments indicated on this subdivision plat required by the subdivision ordinance of the City of Clayton, Missouri will be set.

All taxes which are due and payable against this property have been paid in full.

IN WITNESS WHEREOF, the parties have hereunto set their hand this ____ day of _____, 2021.

Bemiston Place LLC, a Missouri limited liability company

By: _____
Steven A Brown, Manager

STATE OF MISSOURI)
COUNTY OF ST. LOUIS)

On this ____ day of _____ in the year 2021, before me, _____
a Notary Public in and for said state, personally appeared Steven A Brown the Manager of Bemiston Place LLC, a Missouri limited liability company, known to me to be the person who executed the within Subdivision Plat in behalf of said corporation and acknowledged to me that he executed the same for the purposes therein stated

IN TESTIMONY WHEREOF, I have herewith set my hand and affixed my official seal the day and year first above written.

Name: _____

My Commission Expires: _____

CITY CERTIFICATION:

I, _____, City Clerk for the City of Clayton, Missouri, do hereby certify the plat of "BEMISTON PLACE" was approved by the Board of Aldermen of the City of Clayton, Missouri by Ordinance Number _____ on this ____ day of _____, 2021.

By: _____
City Clerk

Print Name

GENERAL NOTES:

- Subject property is Zoned "PUD" - Planned Unit Development District Building Setbacks:
 - 3 feet along Central Ave,
 - 6 feet along Maryland sidewalk and main building wall with 1 foot at residential bays above.
 - 50 feet along Bemiston for 129 feet of 212 feet of frontage with 5 feet for remaining 83 feet
- Subject property lies within Flood Zone X (areas determined to be outside the 0.2% chance annual flood) according to the National Flood Insurance Rate Map Number 29189C0214K with an effective date of 02/04/2015.
- The basis of bearings for this survey is the plat of the Town of Clayton, Plat Book 1, Page 7.

SURVEYOR'S CERTIFICATION:

This is to certify that Stock & Associates Consulting Engineers, Inc. have, during January 2021, by order of and for the use of Balke Brown Transwestern executed a Property Boundary Survey and Lot Consolidation Plat of a tract of land being Lots 9, 10, 11 & 12 of Block 11 of The Town of Clayton, as recorded in Plat Book 1, Page 7 of the St. Louis County Records Located in U.S. Survey 1918, Township 45 North, Range 6 East of the Fifth Principal Meridian, City of Clayton, St. Louis County, Missouri, and that the results of said survey and consolidation are shown hereon. We further certify that said survey meets or exceeds the current standards for Property Boundary Surveys for "Class Urban Property" as defined in Chapter 16, Land Surveying 20 CSR 2030-16.090 of the Missouri Standards for Property Boundary Surveys, and adopted by The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects.

STOCK & ASSOCIATES CONSULTING ENGINEERS, INC.
LC No. 222-D

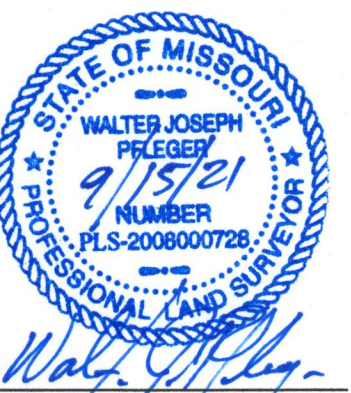
By: _____
Walter J. Pfeiffer, Missouri P.L.S. No. 2008-000728

PREPARED FOR:

Balke Brown Transwestern
13075 Manchester Road,
St. Louis, MO 63102

PREPARED BY:

LOT CONSOLIDATION PLAT
BEMISTON PLACE MIXED USE
LOTS 9-12 BLOCK 11 OF THE TOWN OF CLAYTON
CITY OF CLAYTON, ST. LOUIS COUNTY, MISSOURI



REVIEWS:

1. 8/06/2021 REVISED PER CLIENT COMMENTS

DRAWN BY: J.K.	CHECKED BY: W.J.P.
DATE: 01/28/2021	JOB NO: 220-8791
M.S.D. P. # P-XXXX-XX	BASE MAP # XXXX
S.L.C. NAT. # XXXX	HAT SUR. # XXX-XX-XX
M.D.N.R. # MO-XXXXXXX	

SHEET TITLE:

LOT CONSOLIDATION PLAT

SHEET NO.:

1 OF 2

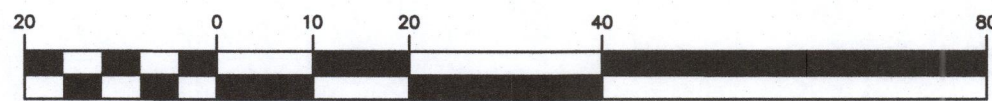
BEMISTON PLACE

TRACTS OF LAND BEING LOTS 9, 10, 11 AND 12 IN BLOCK 11 OF THE TOWN OF CLAYTON PB 1, PG 7
LOCATED IN U.S. SURVEY 1918, TOWNSHIP 45 NORTH, RANGE 6 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CLAYTON, ST. LOUIS COUNTY, MISSOURI
THIS PLAT CONTAINS 1.563 AC±

ABBREVIATIONS

DB - DEED BOOK
FT - FEET
FND - FOUND
N/F - NOW OR FORMERLY
P.B. - PLAT BOOK
PG. - PAGE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
SQ. - SQUARE
(86'W) - RIGHT-OF-WAY WIDTH
TRV - TO BE VACATED

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

LEGEND

⊕ BENCH MARK
⊙ FOUND IRON ROD
○ FOUND IRON PIPE
△ RIGHT OF WAY MARKER
— FOUNT CUT CROSS

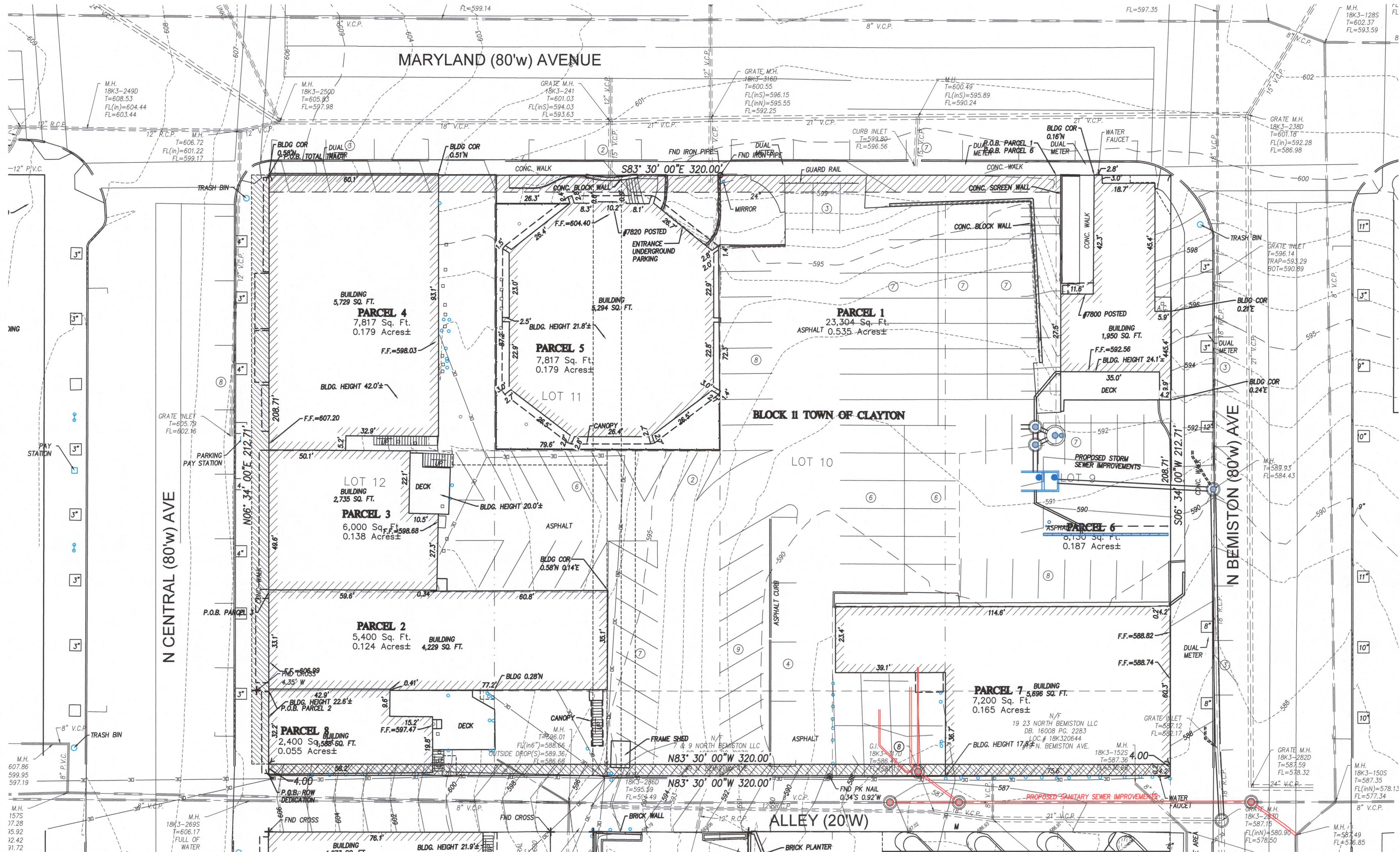
M.S.D. BENCHMARK

BENCHMARK # 14-111 ELEV. = 624.04 (NGVD29)
"Sq" centered on top of level capstone at south end of west brick guard wall for concrete steps immediately attached to church building at south building entrance to Hanley Road Baptist Church, northwest corner Maryland Avenue and Hanley Road, roughly 45 feet north of the north curb line of Maryland Avenue, and 92 feet west of the centerline of Hanley Road. In September of 2012, this benchmark was recovered underneath a flower pot.

SITE

LOCATION MAP

(NOT TO SCALE)



PREPARED BY:

LOT CONSOLIDATION PLAT

BEMISTON PLACE MIXED USE

LOTS 9-12 BLOCK 11 OF THE TOWN OF CLAYTON
CITY OF CLAYTON, ST. LOUIS COUNTY, MISSOURI



WALTER J. PFEIFFER, P.L.S.
NO. 91521
NO. 2008000728
CERTIFICATE OF AUTHORITY
LC-2225

REVISIONS:

- 8/06/2021 REVISED PER CLIENT COMMENTS
- 9/14/2021 REVISED PER CITY COMMENTS

DRAWN BY: J.K.
CHECKED BY: W.J.P.
DATE: 01/28/2021
JOB NO: 220-6791
M.S.D. P. # BASE MAP #
P-XXXX-XX XXX
S.L.C. HAT # HAT SLP. #
XXXX XXXX-XX
M.D.N.R. # MO-XXXXXX

SHEET TITLE:
LOT CONSOLIDATION PLAT

SHEET NO.:
2 OF 2



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
KAYLA PACANOWSKI, INTERIM DIRECTOR OF FINANCE
DATE: OCTOBER 26, 2021
SUBJECT: MOTION - A LIQUOR LICENSE FOR CLAYTON OPERATIONS D/B/A
CLARENDALE CLAYTON AT 7651 CLAYTON ROAD

Clayton Operations d/b/a Clarendale Clayton is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 7651 Clayton Road.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative attend the meeting.

Recommended Action: Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
GARY CARTER, ECONOMIC DEVELOPMENT DIRECTOR
DATE: OCTOBER 26, 2021
SUBJECT: ORDINANCE – AMENDING TABLE III-I OF THE PARKING REGULATIONS IN
TITLE III OF THE CITY CODE

The attached bill amends Title III Traffic Code by adding a section of DeMun Avenue to Table III-I, Two-Hour Parking Areas. Specifically, the section proposed to be included is both sides of the north bound lane from the north corner of Southwood Avenue to the south corner of Northwood Avenue. The purpose of this bill is to match legislation with current demand. The adoption of this bill will not alter any existing signs on this section of DeMun Avenue.

STAFF RECOMMENDATION: To approve the ordinance.

BILL NO. 6866

ORDINANCE NO.

AN ORDINANCE AMENDING TABLE III-I OF TITLE III OF THE CLAYTON CITY CODE

WHEREAS, on June 26, 2018, the City of Clayton enacted Ordinance 6677 which revised and updated Schedule III to Title III of the City Code pertaining to parking regulations in various parts of the City; and

WHEREAS, staff discovered the omission of the north bound lane of DeMun Avenue between Southwood Avenue and Northwood Avenue in Table III I and the Board of Aldermen now wishes to correct that omission as hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

SECTION 1. Table III-I, “Two-Hour Parking Areas”, of Schedule III of Title III of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended by adding the following “Location and Restriction” entry to the stated Table (in appropriate alphabetical order), to wit:

Schedule III. Parking Restrictions

Table III-I. Two-Hour Parking Areas.

[The following streets or parts of streets are designated as districts where parking is restricted, except on Sundays and holidays, to two (2) hours at the times indicated or if no time is indicated, at all times between 8:00 A.M. and 5:00 P.M. each day and except by valid resident and visitor permit:]

Location and Restriction

[NOTE: Other locations listed in Table III-I are not altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason these locations are not set forth here in full.]

DeMun Avenue

Between the Southwood Avenue and Northwood Avenue on both sides of the north bound lane.

SECTION 2. This Ordinance shall be in full force and effect both from

and after its passage by the Board of Aldermen.

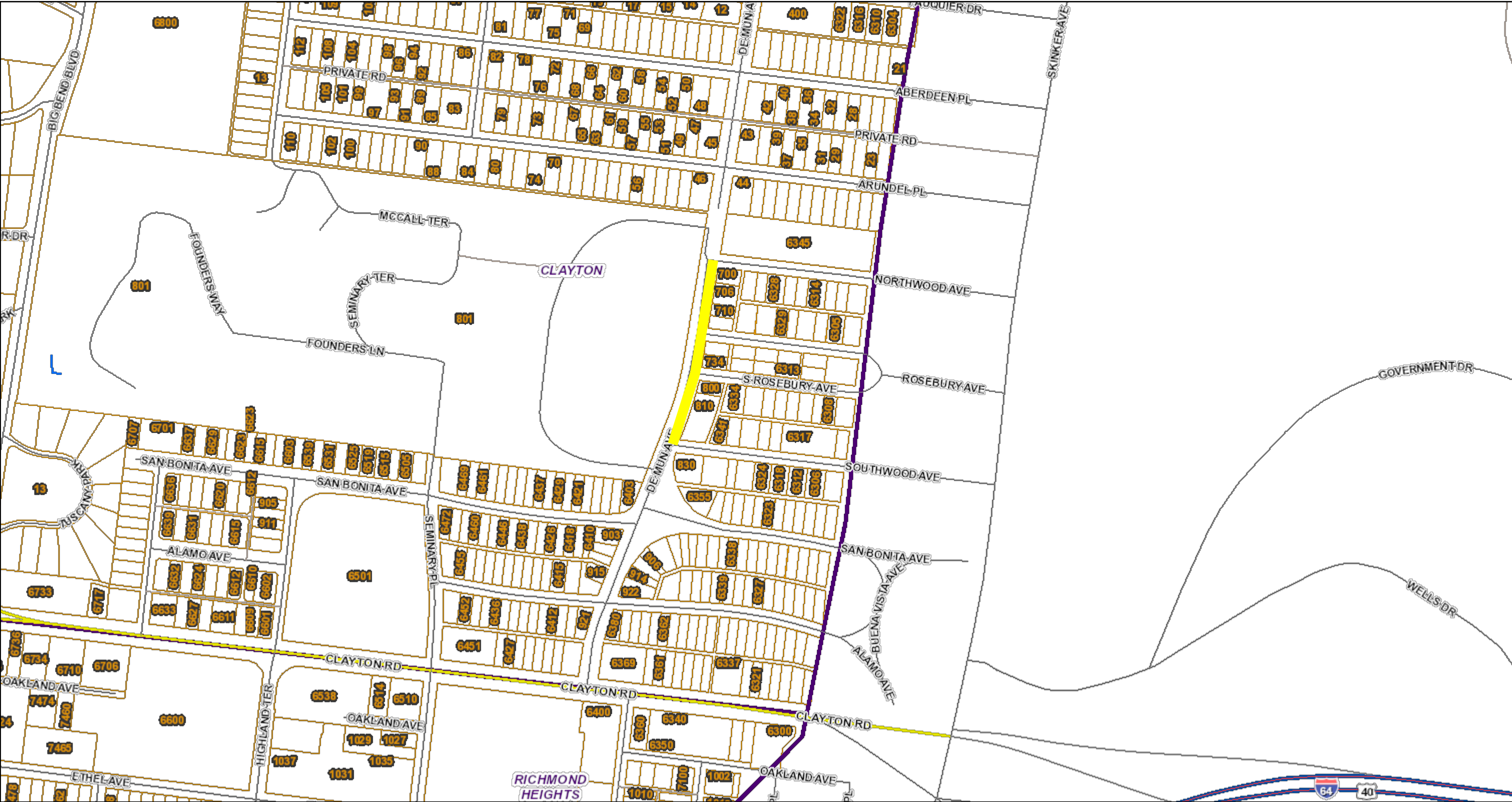
Passed by the Board of Aldermen this 26th day of October 2021.

Mayor

Attest:

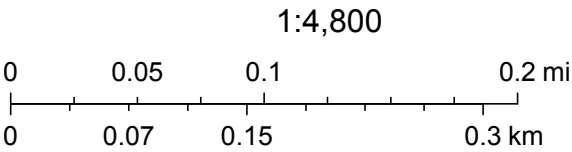
City Clerk

DeMun Avenue Parking



10/12/2021, 11:33:00 AM

- Override 1
- Other Flood Areas (0.2% Annual Chance)
- Special Flood Hazard Areas (1% Annual Chance)



St. Louis County GIS Service Center



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN

FROM: DAVID GIPSON, CITY MANAGER

DATE: OCTOBER 26, 2021

SUBJECT: ORDINANCE – APPOINTING CERTAIN BOARD OF DIRECTORS TO THE 25 NORTH CENTRAL COMMUNITY IMPROVEMENT DISTRICT (CID)

OVERVIEW:

On June 9, 2015, the City of Clayton created the 25 North Central Community Improvement District (CID) for the property located at 25 N. Central Avenue, now operating as Two Twelve Clayton. The CID imposes an additional 1% sales tax on restaurant and other retail sales. The CID uses the revenues from the sales tax and special assessment to reimburse the Developer for certain eligible redevelopment costs totaling \$1,500,000.

The CID is governed by a five-member board of directors appointed by the Mayor with the consent of the Board of Aldermen. Only registered voters residing within the CID and the authorized representatives of property owners within the CID may be appointed to the Board of Directors. In this case, the building owner is the sole property owner within the CID. The current Board of Directors of the CID is as follows:

Sasha Lee	Term Expires July 8, 2023
Kevin Allen	Term Expires July 8, 2023
Clint Bridges	Term Expires July 8, 2021
Eugene Norber	Term Expired July 8, 2021
Michelle Hoskins-Cummings	Term Expired July 8, 2021 (resigned 3/24/21)

The CID is requesting that Clint Bridges and Eugene Norber be reappointed, term expires July 8, 2025 and that Amanda Middaugh is appointed (replacing Michelle Hoskin-Cummings), term expires July 8, 2025.

Recommendation: To approve the attached ordinance.

BILL NO. 6867

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CLAYTON, MISSOURI, APPROVING THE APPOINTMENT OF CERTAIN SUCCESSOR DIRECTORS TO THE BOARD OF DIRECTORS FOR THE 25 NORTH CENTRAL COMMUNITY IMPROVEMENT DISTRICT

WHEREAS, on June 9, 2015 the City of Clayton established the 25 North Central Community Improvement District (CID) (the “**District**”) pursuant to Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the “**Act**”); and

WHEREAS, upon creation of the District a five (5) member board of directors was appointed with varying terms; and

WHEREAS, the District has requested the appointment of certain successor directors and the Mayor has nominated the persons identified below for appointment;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

SECTION 1. Appointment of Directors. In addition to the continuing service of Sasha Lee (Term Expires July 8, 2023), Kevin Allen (Term Expires July 8, 2023), Clint Bridges (Term Expires July 8, 2025), and Eugene Norber (Term Expires July 8, 2025; the following individuals are hereby appointed to the Board of Directors of the District for the terms noted as follows:

Amanda Middaugh

4-year term, expiring July 8, 2025

SECTION 2. Effective Date. This ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 26th day of October 2021.

Mayor

Attest:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER (DG)
DATE: OCTOBER 26, 2021
SUBJECT: ORDINANCE – AMEND CHAPTER 600 – ALCOHOLIC BEVERAGES

This is an ordinance to incorporate recent State Legislative changes pertaining to liquor regulations into the City's Code. The primary drive of the 2021 legislative changes is to (a) expand Sunday sales hours for all classes of licenses, and (b) authorize a process whereby restaurants can sell take-out alcoholic beverages to customers taking out food.

In addition, there were some changes to regulations governing transactions between manufacturers, wholesalers, retail licensee, and reinforcement of other changes in state law to not automatically disqualify anyone ever convicted of a felony from being licensed or working at a licensed premises.

Recommendation is to approve the ordinance.

BILL NO. 6868

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 600 OF THE CLAYTON CITY CODE RELATING TO ALCOHOLIC BEVERAGES

WHEREAS, the Missouri General Assembly recently enacted new laws governing the permissible hours for sale of alcoholic beverages on Sundays, allowing retailers to package alcoholic beverages for off-premises consumption and revising regulations pertaining to activities between retailers and other entities in the industry; and

WHEREAS, the Board of Aldermen wishes to afford vendors and consumers in Clayton the equal opportunities as afforded in the rest of the state by conforming the City's regulations to the parallel state law provisions;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section One. Section 600.040 of Article I of Chapter 600 of the Code of Ordinances of the City of Clayton, Missouri, is hereby repealed and a new Section 600.040 is hereby enacted in lieu thereof to read as follows:

Chapter 600. Alcoholic Beverages

Article I. In General

Section 600.040 Days and Hours of Sale — Intoxicating Liquor — Special Tastings Permit.

- A. No person having a license issued pursuant to this Chapter or Chapter 312, RSMo., nor any employee of such person shall sell, give away or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. upon or about his/her premises.
- B. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one (1) room only and substantial quantities of food and merchandise, other than intoxicating liquor, are dispensed, then the licensee shall keep securely locked during the hours and on the days herein specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.
- C. Notwithstanding any other provision of this Chapter to the contrary, any person who possesses the qualifications required by this Chapter and who now hereafter meets the requirements of and complies with the provisions of this Chapter may apply for and, upon approval of the Board of Aldermen, the Director of Finance may issue a license to sell intoxicating liquor, as in this Chapter defined, between the hours of 6:00 A.M. on Sunday and 1:30 AM on

Monday by the drink at retail for consumption on the premises of any restaurant bar as described in this Chapter and in the application. Persons holding a license under this paragraph shall comply with all provisions of the State law and with all other ordinances and regulations of the City relating to the sale of liquor by the drink for consumption on the premises where sold.

- D. Notwithstanding any other provisions of this Chapter to the contrary, any person who possesses the qualifications required by this Chapter and who is licensed to sell intoxicating liquor in the original package at retail under this Chapter may apply for and, upon approval of the Board of Aldermen, the Director of Finance may issue a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; provided however, that issuance of such a permit shall not be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

Section Two. Article I of Chapter 600 of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended by the addition of one new Section, initially to be designated as Section 600.083, to read as follows:

Chapter 600. Alcoholic Beverages

Article I. In General

Section 600.083. Sale of retailer-packaged alcoholic beverages to customers in containers for off-premises consumption, when — requirements.

A. Notwithstanding any provision of law to the contrary, any person who is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption may sell retailer-packaged alcoholic beverages to customers in containers, filled on such premises by any employee of the retailer who is twenty-one years of age or older, for off-premises consumption if all the following requirements are met:

- (1) The container of the alcoholic beverage is rigid, durable, leakproof, sealable, and designed to prevent consumption without removal of the tamperproof cap or seal. A sealable container does not include a container with a lid with sipping holes or openings for straws;
- (2) The contents of each container do not exceed one hundred twenty-eight ounces;
- (3) The patron orders and purchases a meal from the licensee simultaneous with the alcoholic beverage purchase. For purposes of this subdivision, a "meal" is defined as food that has been prepared on-premises;
- (4) The number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee for off-premises consumption;
- (5) The licensee provides the patron with a dated receipt or an electronic record for the meal and alcohol beverages; and

- (6) The container is either:
 - (a) Placed in a one-time-use, tamperproof, transparent bag that is securely sealed; or
 - (b) The container opening is sealed with tamperproof tape.

For purposes of this subdivision, "tamperproof" means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.

- B. Containers that are filled under subsection A of this section shall be affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three millimeters in height and not more than twelve characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL."

Section Three. Sections 600.190 and 600.200 of Article II of Chapter 600 of the Code of Ordinances of the City of Clayton are hereby repealed and new Sections 600.190 and 600.200 are hereby enacted in lieu thereof to read as follows:

Chapter 600. Alcoholic Beverages

Article II. Licenses and Licensee Regulations

Section 600.190 Interest of Wholesaler, Etc., in Retail Business — Intoxicating Liquor.

Distillers, wholesalers, wine makers, brewers or their employees, officers or agents shall not, under any circumstances, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors and shall not, except as permitted by state law, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit, for liquors sold to such retail dealers.

Section 600.200 Brewers — Manufacturers Not To Have Interest in Retail Business — Contracts Void, When.

A. Neither brewers or manufacturers of non-intoxicating beer, or their employees, officers, agents, subsidiaries or affiliates shall, under any circumstances, directly or indirectly, have any financial interest in the retail business for the sale of such non-intoxicating beer, nor shall they, except as permitted by state law, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for such beer sold to such retail dealers.

B. All contracts entered into between such brewers or manufacturers, or their officers, employees, directors or agents, in any way concerning any of their products, obligating such retail dealers to buy or sell only the products of any such brewer or manufacturer or obligating such retail dealers to buy or sell the major part of such products, required by such retail vendors from any such brewer or manufacturer, shall be void and unenforceable in any court in this State, and proof of the execution of such contract shall forfeit the license of both the vendor and the vendee.

Section Four. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section Five. It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section Six. This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 26th day of October 2021.

Mayor

Attest:

City Clerk

BILL NO.

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 600 OF THE CLAYTON CITY
CODE RELATING TO ALCOHOLIC BEVERAGES**

WHEREAS, the Missouri General Assembly recently enacted new laws governing the permissible hours for sale of alcoholic beverages on Sundays, allowing retailers to package alcoholic beverages for off-premises consumption and revising regulations pertaining to activities between retailers and other entities in the industry; and

WHEREAS, the Board of Aldermen wishes to afford vendors and consumers in Clayton the equal opportunities as afforded in the rest of the state by conforming the City's regulations to the parallel state law provisions;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:**

Section One. Section 600.040 of Article I of Chapter 600 of the Code of Ordinances of the City of Clayton, Missouri, is hereby repealed and a new Section 600.040 is hereby enacted in lieu thereof to read as follows:

Chapter 600. Alcoholic Beverages

Article I. In General

**Section 600.040 Days and Hours of Sale — Intoxicating Liquor
— Special Tastings Permit.**

- A. No person having a license issued pursuant to this Chapter or Chapter 312, RSMo., nor any employee of such person shall sell, give away or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. ~~on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. on the following Monday~~ upon or about his/her premises; ~~provided when December thirty first (31st) falls on Sunday, any person having a license to sell intoxicating liquor by the drink under the provisions of his/her license may do so on that day after the hour of 9:00 A.M. and until the time which would be lawful on any other day of the week notwithstanding any provisions of the~~

~~law or ordinance to the contrary.~~

- B. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one (1) room only and substantial quantities of food and merchandise, other than intoxicating liquor, are dispensed, then the licensee shall keep securely locked during the hours and on the days herein specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.
- C. Notwithstanding any other provision of this Chapter to the contrary, any person who possesses the qualifications required by this Chapter and who now hereafter meets the requirements of and complies with the provisions of this Chapter may apply for and, upon approval of the Board of Aldermen, the Director of Finance may issue a license to sell intoxicating liquor, as in this Chapter defined, between the hours of ~~9:00~~6:00 A.M. ~~and Midnight~~ on Sunday and 1:30 AM on Monday by the drink at retail for consumption on the premises of any restaurant bar as described in this Chapter and in the application. Persons holding a license under this paragraph shall comply with all provisions of the State law and with all other ordinances and regulations of the City relating to the sale of liquor by the drink for consumption on the premises where sold.
- D. Notwithstanding any other provisions of this Chapter to the contrary, any person who possesses the qualifications required by this Chapter and who is licensed to sell intoxicating liquor in the original package at retail under this Chapter may apply for and, upon approval of the Board of Aldermen, the Director of Finance may issue a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; provided however, that issuance of such a permit shall not be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

Section Two. Article I of Chapter 600 of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended by the addition of one new Section, initially to be designated as Section 600.083, to read as follows:

Chapter 600. Alcoholic Beverages

Article I. In General

Section 600.083. Sale of retailer-packaged alcoholic beverages to customers in containers for off-premises consumption, when — requirements.

A. Notwithstanding any provision of law to the contrary, any person who is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption may sell retailer-packaged alcoholic beverages to customers in containers, filled on such premises by any employee of the retailer who is twenty-one years of age or older, for off-premises consumption if all the following requirements are met:

- (1) The container of the alcoholic beverage is rigid, durable, leakproof, sealable, and designed to prevent consumption without removal of the tamperproof cap or seal. A sealable container does not include a container with a lid with sipping holes or openings for straws;
- (2) The contents of each container do not exceed one hundred twenty-eight ounces;
- (3) The patron orders and purchases a meal from the licensee simultaneous with the alcoholic beverage purchase. For purposes of this subdivision, a "meal" is defined as food that has been prepared on-premises;
- (4) The number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee for off-premises consumption;
- (5) The licensee provides the patron with a dated receipt or an electronic record for the meal and alcohol beverages; and
- (6) The container is either:
 - (a) Placed in a one-time-use, tamperproof, transparent bag that is securely sealed; or
 - (b) The container opening is sealed with tamperproof tape.

For purposes of this subdivision, "tamperproof" means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.

B. Containers that are filled under subsection A of this section shall be affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three

millimeters in height and not more than twelve characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL."

Section Three. Sections 600.190 and 600.200 of Article II of Chapter 600 of the Code of Ordinances of the City of Clayton are hereby repealed and new Sections 600.190 and 600.200 are hereby enacted in lieu thereof to read as follows:

Chapter 600. Alcoholic Beverages

Article II. Licenses and Licensee Regulations

Section 600.190 Interest of Wholesaler, Etc., in Retail Business — Intoxicating Liquor.

Distillers, wholesalers, wine makers, brewers or their employees, officers or agents shall not, under any circumstances, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors and shall not, except as permitted by state law, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit, for liquors sold to such retail dealers.

Section 600.200 Brewers — Manufacturers Not To Have Interest in Retail Business — Contracts Void, When.

A. Neither brewers or manufacturers of non-intoxicating beer, or their employees, officers, agents, subsidiaries or affiliates shall, under any circumstances, directly or indirectly, have any financial interest in the retail business for the sale of such non-intoxicating beer, nor shall they, except as permitted by state law, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for such beer sold to such retail dealers.

B. All contracts entered into between such brewers or manufacturers, or their officers, employees, directors or agents, in any way concerning any of their products, obligating such retail dealers to buy or sell only the products of any such brewer or manufacturer or obligating such retail dealers to buy or sell the major part of such products, required by such retail vendors from any such brewer or manufacturer, shall be void and unenforceable in any court in this State, and proof of the execution of such contract shall forfeit the

license of both the vendor and the vendee.

Section Four. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section Five. It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section Six. This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this _____ day of _____, 2021.

Mayor

Attest:

City Clerk